

## **REMARKS**

Claims 1-30 are pending in the application, with claims 1, 9, 13, 16, 24 and 28 being the independent claims. Claims 1-30 stand rejected. Applicants herein amend claims 1, 9, 13, 16, 24, and 28.

### ***Claim Rejections 35 USC §102***

Claim 1 stands rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,694,336 by Multer et al. (“Multer”). In an Office Action dated June 27, 2007 the Examiner stated that col. 11, lines 11 – 14, and col. 5 lines 16 – 20 of Multer teaches dividing data into programmably defined change units. Applicants have reviewed the cited portion of Multer and submit that it fails to teach or suggest at least a storage platform that includes a base schema and a mechanism to extend the base schema to define a schema for the data, and divides the data into programmably defined change units based on the schema for the data, wherein a change unit is a smallest piece of schema that is individually tracked by each instance of the storage platform and the size of a change unit is adjustable by, for example, a schema developer. For example, col. 11, lines 11 – 14 state “[e]ach device engine performs mapping and translation steps necessary for applying the data packages to the local format required for that type of information in the application data stores.” There is no mention of dividing “the data into programmably defined change units based on the schema for the data, wherein a change unit is a smallest piece of schema that is individually tracked by each instance of the storage platform and the size of a change unit is adjustable.”

Moreover col. 5 lines 16 – 20 fail to teach or suggest dividing “the data into programmably defined change units based on the schema for the data, wherein a change unit is a smallest piece of schema that is individually tracked by each instance of the storage platform and the size of a change unit is adjustable.” For example, col. 5 lines 16 – 20 of Multer state “[i]n one embodiment, the invention comprises a set of programs specifically designed to transmit and/or receive differencing data from one device to another device, irrespective of the type of file system, data, content, or system hardware configuration.” There is no mention of dividing “the data into programmably defined change units based on

the schema for the data, wherein a change unit is a smallest piece of schema that is individually tracked by each instance of the storage platform and the size of a change unit is adjustable.” Accordingly, Applicants respectfully request reconsideration of the rejection to claim 1.

Insomuch as claims 2 – 8 depend directly or indirectly from claim 1 they also patentably define over Multer. Accordingly, Applicants respectfully request reconsideration of the rejections to these claims.

Independent claims 9, 13, 16, 24, and 28 recite similar elements to that of claim 1 and patentably define over Multer for at least the reason described above with respect to claim 1. Insomuch as claims 10 -12, 14, 15, 17 – 23, 24 – 27, 29, and 30 depend directly or indirectly from independent claims 9, 13, 16, 24, and 28 they too patentably define Multer. Accordingly, Applicants respectfully request reconsideration of these rejections to these claims.

### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants’ representative.

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